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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,678	01/26/2004	Theodore D. Wugofski	450.195US2	9447

7590 04/20/2007

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EXAMINER	
BUI, KIEU OANH T	
ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/764,678	WUGOFSKI, THEODORE D.	
	Examiner	Art Unit	
	KIEU-OANH BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-17 and 19-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-17, 19-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remark

1. Claims 2 and 18 have been previously cancelled, with claim 21 has been newly added; and claims 1, 3-17, and 19-21 are pending for reconsideration.

Response to Arguments

2. Applicant's arguments filed on 01/26/2007 have been fully considered but they are not persuasive.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In the argument, applicant states that the support for the claim amendments can be found, in particularly, at pages 9-11 of the specification. Pages 9-11 describe mostly regarding to Fig. 5 with techniques of setting favorite lists and setting rating control menu as well as editing and setting user profiles. However, looking back at claims 1, 7, 13, and 17, the examiner found the claims are somehow unrelated and/or very minimal description of the addressed issue. Claims simply call for a graphical user interface with some types of control (prompt) corresponding to at least one programming function related to at least one channel, and on the same display, providing a graphic element comprising the control with a broadcast streaming from a second channel. Meaning: the arguments go one way and the claims still stay and points to a very different way. They do not convince the examiner that these claims are in better forms in condition for allowance. (Please refer to the revised office action below for further supports).

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4. Claims 1, 3-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al. (U.S. Patent 6,025,837) in view of Klosterman et al. (U.S. Patent 5,940,073).

Regarding claim 1, Matthews discloses an information handling system (Fig. 3) comprising a graphical user interface (GUI) (Fig. 5 for a GUI) in an operating environment, the GUI configured to provide at least one display (display in box 128) including information related to at least one channel, i.e., the display with information related to program "Seinfeld" of at least one channel NBC 6, wherein the display includes a control corresponding with at least one programming function related to the at least one channel, i.e., within the display either a prompt at More 140 or at "Last week; Comedy club" corresponding to the function of providing further information of the related channel (refer further on col. 9/line 55 to col. 10/line 13).

Matthews does not further clearly show "wherein the display includes an on-screen display that combines a graphic element comprising the control with a broadcast streaming video from a second channel"; however, this technique is well known in the art. In fact, Klosterman teaches an exact same technique as the display screen provides the user a simultaneous displaying of both the television programming in window 688 and the virtual channel –from a different or second channel-- on the display (refer back to Fig. 6b—as item 640 is being selected

from a different channel to the existing television channel--as shown in Figure 6(d) and col. 9/line 19 to col. 10/line 16) and the broadcasting source in the form of streaming video data (col. 4/lines 24-47 for broadcasting the streaming data by the satellite; and further as noted in col. 11/lines 22-55 for streaming video clip). Therefore, it would have been obvious to one of ordinary skill in the art to modify Matthews's system with a known technique as taught by Klosterman in order to provide simultaneously on the display screen the regular broadcasting program and the streaming video and its other related functions to the user/viewer while the user still does not want to lose what's going on in the regular television programming.

(Claim 2 has been canceled).

As for claim 3, Matthews teaches the system further includes a current banner (Fig. 5, item 128 for current information) and a browse banner (Fig. 5, item 140 for banner providing a browse to other information, i.e., Hilter, A-bomb, Pearl harbor).

As for claim 4, Matthews discloses a tuner 98 operabl coupled to the GUI, wherein the tuner is tunable to a plurality of channels including the at least one channel (Fig. 4 and col. 8/lines 21-35; and Fig. 5 for the display of channels 2, 4, 6 & 7).

As for claim 5, Matthews further discloses wherein the plurality of channels includes at least one event (Fig. 5 shows a program guide with more than one channel with each has a corresponding event, i.e., a broadcasting program at certain time).

As for claim 6, Matthews further teaches comprising a convergence system operably coupled thereto (Fig. 3 shows a convergence system because it combines different sources and provides the combined content to the viewer at the terminal monitor device, see col. 7/line 43 to col. 8/line 20).

As for claims 7-12, 13-17, and 19-20, these claims for a medium having executable instructions stored thereon for execution on a suitably equipped electronic system, a system and a corresponding method, respectively, with similar features as addressed earlier are rejected for the reason given in the scope of claims 1-6, not limited to the cited paragraphs but also to the entire disclosure and teaching of Matthews' reference.

In addition to claims 7, 11, 13 and 17, Matthews does not further clearly show "at least one channel combined with broadcast streaming video from a second channel different than said at least one channel" and "selecting a browse mode wherein the video output does not corresponding with the at least one channel"; however, these techniques are well known in the art. In fact, Klosterman teaches an exact same technique as the display screen provides the user a simultaneous displaying of both the television programming in window 688 and the virtual channel on the display as a different channel from the at least one channel as the TV programming and as the user selects the browse function for the virtual channel, it does not corresponding to the at least regular television channel in window 188 (as shown in Figure 6(d) and col. 9/line 19 to col. 10/line 16) and the broadcasting source in the form of streaming video data (col. 4/lines 24-47 for broadcasting the streaming data by the satellite; and further as noted in col. 11/lines 22-55 for streaming video clip). Therefore, it would have been obvious to one of ordinary skill in the art to modify Matthews's system with a known technique as taught by Klosterman in order to provide simultaneously on the display screen the regular broadcasting program and the streaming video and its other related functions to the user/viewer for selecting or browsing on the virtual channel and it does not affect the other television channel while the user still does not want to lose what's going on in the regular television programming.

As for claim 21, Klosterman teaches this feature as shown in Fig. 6(d) as the display shows a plurality of functions that the user can control or command corresponding to the programming of the at least one function, i.e., bookmark, reload, view, links, options etc.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
April 13, 2007